

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSE S. PEREZ

Defendants.

8:22-CR-139

**ORDER DIRECTING THE UNITED
STATES TO RESPOND TO FILING 89**

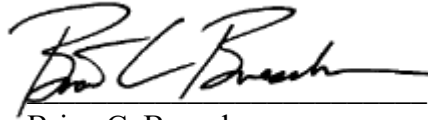
This matter is before the Court on Defendant Jose S. Perez’s Motion in Limine to preclude the Government from referencing Perez’s prior arrest involving a firearm. [Filing 89](#). According to the Motion, Perez was arrested in 2017 based on “a prior incident involving a firearm[,] but the “charges against him [were] dismissed the following day.” [Filing 89 at 1](#). At the time Defendant filed this Motion on August 14, 2023, he was scheduled to be tried jointly with his co-defendant, Miguel Avalos-Diaz. However, on August 15, 2023, the Court determined that Defendants’ trial should be severed. Avalos-Diaz’s trial proceeded on August 15, 2023, but Perez’s trial was rescheduled for October 31, 2023. [Filing 109](#).

The Government is directed to respond to this Motion no later than fourteen (14) days before the trial of Perez. In its response, the Government shall state whether it intends to elicit or reference such evidence in its case in chief. If the Government does intend to do so, then it shall also explain why it believes such evidence is admissible. To the extent the Government believes such evidence is admissible under Rule 404(b) of the Federal Rules of Evidence, the Government shall inform the Court on what date it provided the Defendant with Rule 404(b) notice. *See* [Fed. R. Evid. 404\(b\)\(3\)](#). Accordingly,

IT IS ORDERED: The Government is directed to respond to [Filing 89](#) no later than (14) days before the trial of Perez.

Dated this 21st day of August, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'B. C. Buescher', written over a horizontal line.

Brian C. Buescher
United States District Judge